IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

PRESENT:

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO :18493 of 2007

DATED:31.8.2007.

Between:

Taher Ali Khan

.....

PETITIONER

AND

1.The Govt of A.P rep by its Secretary
Rev (CT III) Dept, Secretariate, Hyd &
another

.....RESPONDENTs

THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION NO:18493 OF 2007

ORDER: (Per the Honourable Smt.Justice T.Meenakumari)

The petitioner has filed the present writ petition seeking to call for the records pertaining to the order dated 25.6.2007 in O.A.No:4054 of 2003 of the Tribunal and the Government Memo No:26386/CT.III (2)/2002-2, dated 11.12.2002 and set aside the same and direct the respondents to include the name of the petitioner in the panel of A.C.T.Os in the year 1983 in Hyderabad Division III and give notional promotion.

The petitioner is the applicant. He has filed the O.A seeking to call for the records pertaining to the Government Memo No:26386/CT III (2)/2002-2, dated 11.12.2002 and set aside the same and direct the respondents to include the name of the petitioner in the panel of A.C.T.Os in the year 1983 in Hyderabad Division III and give notional promotion. The tribunal having observed that the applicant joined in the Commercial Tax Department on his own application for transfer from the Medical and Health, on 1.8.1980 and thereafter, he was promoted as

U.D.C on 18.9.1992 by taking his service in the said Department into account and therefore, the claim of the applicant for inclusion in the panel of 1983 for promotion to the post of A.C.T.O cannot be accepted, dismissed the O.A. Having aggrieved by the same, the present writ petition is filed by the applicant.

Heard the learned counsel for the applicant as well as the learned G.P. for services-I and perused the entire material available on record including the order impugned.

The fact that remains undisputed is that the applicant applied for transfer from the Medical and Health Department to the Commercial Taxes Department as an L.D.C and pursuant to the consideration of his application, the applicant joined in the said post on 1.8.1980.

Now, it is the case of the applicant that if his services rendered in the Medical and Health Department were taken into consideration, he would have been promoted as U.D.C with effect from 14.10.1985 in the Commercial Tax Department. But, he was promoted as such with effect from 18.9.1992.

At this stage, it is pertinent to note that earlier O.A filed by the applicant challenging the transfer to the Commercial Tax Department as L.D.C was dismissed and it has become final.

Now, the claim of the applicant in the present O.A is that he is entitled to be promoted as Assistant Commercial Tax Officer in the 1983 panel. Having joined in the Commercial Tax Department as L.D.C and having been promoted as U.D.C in the year 1992, it is not known as to how the applicant could claim the

promotion as ACTO in the 1983 panel as rightly observed by the tribunal.

In view of the fact that the judgment in the earlier O.A. challenging the joining as L.D.C in the Commercial Tax Department, has become final and none of the juniors to the applicant have been promoted as A.C.T.Os and in view of the fact that the applicant was promoted as U.D.C in the year 1992, We feel that the applicant has not come to the Court with clean hands and there are no bonafides on his part in filing the present O.A as rightly observed by the tribunal. We see no merits in this present W.P. and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

(JUSTICE T.MEENAKUMARI)

31st August, 2007

(JUSTICE G.CHANDRAIAH)

gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO:18493 of 2007

(Order delivered by the Honourable Smt.Justice T.Meena Kumari)

31st August, 2007.